

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CARLIEK MATTHEWS,

Plaintiff,
-against-

ORDER
14-cv-637(ENV)

CITY OF NEW YORK, et al.,

Defendants.

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Gold, S., Magistrate Judge:

On April 9, 2015, counsel for plaintiff moved for leave to withdraw as plaintiff's counsel. Docket Entry 20. On that same date, I issued an Order scheduling a hearing on counsel's motion. My Order directed plaintiff to attend the hearing, and alerted plaintiff that counsel's motion would be granted as unopposed if he did not appear. Counsel served plaintiff with my Order. Docket Entry 22. Nevertheless, plaintiff failed to appear. Accordingly, I granted counsel's motion for leave to withdraw. Docket Entry 23.

The Order granting counsel's motion further provided that I would recommend that plaintiff's case be dismissed if he did not appear for the conference. Although plaintiff did in fact fail to appear, I afforded him a further opportunity to proceed with his case by allowing him to submit a letter by June 22 indicating his intention to go forward either pro se or with new counsel. The Order specifically alerted plaintiff that failure to submit a letter as required would result in a recommendation of dismissal for failure to prosecute. Docket Entry 23.

I directed plaintiff's counsel to serve plaintiff with a copy of the Order and file proof of service with the Court. Unfortunately, it appears that counsel served a summary docket entry rather than the Order itself, and that the summary served by counsel did not alert plaintiff that he

was required to communicate his intention to proceed pro se or through counsel to the Court.
Docket Entry 24.

ACCORDINGLY, IT IS HEREBY ORDERED THAT, IF PLAINTIFF INTENDS TO PURSUE THIS CASE, HE MUST SUBMIT A LETTER TO THE COURT STATING THAT HE WISHES TO PROCEED PRO SE OR THAT HE HAS RETAINED NEW COUNSEL. THE LETTER MUST BE SUBMITTED BY AUGUST 17, 2015. IF PLAINTIFF FAILS TO SUBMIT A LETTER TO THE COURT BY AUGUST 17, I WILL RECOMMEND THAT THIS CASE BE DISMISSED WITH PREJUDICE FOR FAILURE TO PROSECUTE.

A copy of this Order will be mailed to plaintiff at the address indicated for him by his counsel on the Certificate of Service submitted as Docket Entry 24.

SO ORDERED.

_____/s/_____
STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE

Brooklyn, New York
July 23, 2015

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